



# May I Help You?

## Part II

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BY THE END OF THIS BROADCAST,  
VIEWERS WILL BE ABLE TO:

- ☐ DEFINE LEGAL ADVICE VERSUS  
LEGAL INFORMATION.
- ☐ IDENTIFY PROCEDURAL  
QUESTIONS A CLERK WILL WANT  
TO ANSWER.
- ☐ IDENTIFY AVAILABLE  
RESOURCES AND STRATEGIES  
TO WORK WITH THE PUBLIC IN  
DIFFICULT SITUATIONS



ADMINISTRATIVE OFFICE  
OF THE COURTS

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EDUCATION DIVISION/CENTER FOR  
JUDICIAL EDUCATION AND RESEARCH

## Worksheet: Legal Advice vs. Legal Information

**Directions:** Read each question below and decide whether the customer is asking you for legal advice or information. For those questions you marked the column “Advice”, please discuss at your local site ways you could respond that would be helpful.

	Advice	Info
1. When will I have my hearing?		
2. When is the best time to evict my tenant who's not paying rent?		
3. What should I do to get evidence against my ex who is using money on drugs instead of child support?		
4. Can you recommend a really good divorce lawyer?		
5. Would it be better for me to pay the speeding ticket or show up in court and dispute it?		
6. How can I clean up my criminal file?		
7. Which judge will I get in my case?		
8. Can someone help me fill out these forms?		
9. Where do I get a copy of my father's will. He's really sick and I want to know if I'm in the will.		
10. My wife is kicking me out of the house and won't let me see my kids, what should I do?		
11. Is there free legal help I can get somewhere?		
12. I moved out of an apartment I'm renting and left some paintings there and my landlord sold them without my permission. What can I do to get the money for my paintings?		

## Worksheet: *Restraining Order Vignette*

**Directions:** In the space provided, answer each of the questions based on the vignette you just viewed.

1. What suggestions do you have for the clerk?

2. What if the customer was upset, tearful, appeared afraid, and unable to listen to instructions from the clerk? What would you do or say to assist her?

3. Suppose the customer was angry and demanded that the matter be heard that day. How would you handle this situation?

## Worksheet: What to say?

**Directions:** Circle the best response to each question below. There may be more than one good answer – circle all appropriate answers.

**1. How do I get a conviction off my record?**

- A. I'm not sure. Let me check with my supervisor.
- B. Here's the form I think you need.
- C. Have you checked the Court Rules for expungement procedures?
- D. I'm sorry I cannot do legal research.

**2. I received a speeding ticket. What should I do?**

- A. I'm sorry; I'm not allowed to give legal advice.
- B. You have several options. You can admit responsibility and pay the ticket, write a letter of explanation or deny responsibility and request a hearing.
- C. If I were you, I'd just pay the ticket so you don't have to take time off of work.
- D. It's a good idea to show up in court. If the police officer doesn't come to the hearing, the judge will probably dismiss the ticket.

**3. What form should I use to convict my renter?**

- A. I'm sorry I can't tell you what you should do, because I can't give legal advice.
- B. In order to help you, I need some information. Do you want to bring criminal charges against the person or do you want them evicted?
- C. This is the Civil Division; you need the Criminal Division.
- D. If you want to evict your renter, there are 3 different forms depending on what you choose to do.

**4. You must know a lot of lawyers. Who would you recommend?**

- A. Here's a list of lawyer referral service programs in the community. They can provide you information about attorneys who handle this type of case.
- B. Our on-line self-help website has a list of places you can find lawyers.
- C. Attorney Smarts does a really good job in these cases. The judge really likes her.
- D. I'm sorry I can't give legal advice.

**5. Why can't you just tell me the name of a good lawyer?**

- A. As a court employee, I have to remain neutral and fair to everyone. I can't make recommendations to any individual.
- B. If the attorney commits malpractice, you might sue me or the court.
- C. That's the rule.
- D. You should just go to a paralegal. Lawyers are too expensive.

**6. How can I get my case rescheduled for a new hearing date?**

- A. You must file a stipulation and order. Do you know how to do that?
- B. Just tell them you are out of town on business, this always works.
- C. First, what is the reason for the continuance?
- D. I'm not authorized to continue hearings. Contact the Calendaring Dept.

**7. Should I file for a bank levy or wage garnishment to collect my judgment?**

- A. I can't tell you what to do.
- B. I can explain the differences between them, but you have to decide which one to select.
- C. If you know where they work or bank, you can consider a writ of execution. If you know they own real property, you can consider recording an abstract of judgment with the County Recorder. If this involves child support, you can go to the Family Law Facilitator for more help.
- D. If you really want to get back at him, I'd have his car seized.

**8. I don't have an attorney. May I have a copy of all the laws on drunk driving?**

- A. No we can't give you that information.
- B. I'm sorry, we cannot conduct legal research for you.
- C. We cannot provide that information, but the local law library might be able to assist you.
- D. All those laws are on-line. You can find them in the traffic section of our self-help website, [www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp). Here's information on where to find free computer access.

**9. My neighbor leaves her kids home alone all day. Is that child abuse?**

- A. Yes, if I were you, I'd have her arrested.
- B. I can't make a legal interpretation.
- C. Based on cases I've processed, I'd say "yes."
- D. You need to speak with Child Protective Services. Here's their phone number.

**10. What is an arraignment?**

- A. It's the first appearance before the court.
- B. It's a hearing where you are notified of the charges, your rights are explained, bond is set and a plea may be taken.
- C. It's not that important. Just plead guilty and pay the fine.

**11. How can I get my case served?**

- A. What type of case is it?
- B. Here's a handout on how to serve papers.
- C. Service by mail is the cheapest.

**12. How do I get Judge Smith assigned to my case?**

- A. I can't tell you how cases are assigned.
- B. I'm sorry I can't tell you. Case assignment procedures are confidential.
- C. Cases are assigned by rotation. Judge Smith will be assigned to cases filed next week.
- D. Judge Smith is on vacation next week, so don't file then.

**13. Why can't you tell me how long I have to sue my no-good attorney? I don't want to talk with another lawyer, that's how I got into this mess! That's just information.**

- A. I'm sorry, it sounds like you're having a really frustrating time. The law regarding those deadlines is actually pretty complex. I'm not a lawyer and I don't want to give you the wrong information.
- B. Our self-help center can provide you with lots more information about the timelines and how these cases work. It's right down the hall.
- C. No, it's not information. It's advice and I can't give legal advice.
- D. Okay, okay, it's one year.

## **Worksheet: *Domestic Partnership Vignette***

**Directions:** In the space provided, answer each of the questions based on the vignette you just viewed.

1. How would you feel if you were the court customer?

2. What might the clerk have done differently?

3. What kinds of things do you do in your office to keep up with changes in the law?

## **Resources for assisting the public with information:**

Instructional materials developed by local courts on a variety of subjects:

<http://www.courtinfo.ca.gov/programs/equalaccess/instmat.htm>

Translations developed by local courts and the AOC on a variety of subjects:

<http://www.courtinfo.ca.gov/programs/equalaccess/trans.htm>

AOC's Self-Help website

<http://www.courtinfo.ca.gov/selfhelp/>

Spanish version of AOC's Self-Help website

<http://www.courtinfo.ca.gov/selfhelp/espanol/>

Information developed by legal services programs

<http://www.lawhelpcalifornia.org/CA/index.cfm>